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**Selendy  
& Gay**

June 4, 2019

**Via ECF and E-Mail**

Hon. Paul A. Engelmayer  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2201  
New York, NY 10007  
EngelmayerNYSDChambers@nysd.uscourts.gov

**Re: *Guy Carpenter & Co. v. Timothy Gardner, Nicholas Durant, and Claude Yoder*, No. 19-cv-5062 (PAE)**

Judge Engelmayer,

We represent Defendants Timothy Gardner, Nicholas Durant, and Claude Yoder (collectively, “Defendants”) in the above-captioned matter.

Defendants advised Plaintiffs yesterday that they will agree to convert the May 30, 2019 temporary restraining order into a preliminary injunction, and would like to engage in meaningful discussions with Plaintiffs regarding a resolution of the claims set forth in Plaintiffs’ lawsuit (to include, without limitation, conversion of the temporary restraining order into a preliminary injunction).

Therefore, in order to accomplish the foregoing objective, Defendants respectfully request that the Court *indefinitely* (i) extend and keep in place the temporary restraining order that the Court entered against Defendants on May 30, 2019, pursuant to Rule 65(b)(2) of the Federal Rules of Civil Procedure (which permits extensions of temporary restraining orders for indefinite periods upon consent of the adverse party), (ii) adjourn, *sine die*, the preliminary injunction hearing in this matter currently scheduled for June 10, 2019 at 4:30 p.m., (iii) adjourn the deadline for Defendants to file a memorandum of law in opposition to the motion for preliminary relief (currently June 5, 2019 at 12:00 p.m.), and (iv) adjourn the deadline for Plaintiffs to file a reply memorandum

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of law in further support of their motion for preliminary relief (currently June 7, 2019 at 12:00 p.m.).

Plaintiffs have consented to the requests set forth above in this letter.

The preliminary injunction hearing was originally scheduled for June 4, 2019, at 4:00 p.m., with Defendants' opposition papers originally due June 3, 2019 at 12:00 p.m. and Plaintiffs' reply papers originally due June 4, 2019 at 12:00 p.m. This is the second request to adjourn the preliminary injunction hearing and related filings, and the first request on consent to extend the temporary restraining order. The first request to adjourn the preliminary injunction hearing and related filings was granted.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'D Elsberg', is positioned above the printed name.

David Elsberg